

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

LOWELL M. VARNEY,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-07177

WEST VIRGINIA FAMILY COURT, et al.,

Defendants.

ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court dismiss the plaintiff's Letter-Form Complaint [Docket 1] in its entirety, pursuant to 28 U.S.C. § 1915A and the holdings of *Twombly* and *Iqbal*. [Docket 6]. The Magistrate Judge has also recommended the plaintiff's Motion for Appointment of Counsel [Docket 2] be denied. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150

(1985). As the parties have not filed objections in this case, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations.

The court **DISMISSES** the plaintiff's complaint [Docket 1] as frivolous. The court also **DENIES** the plaintiff's Motion for Appointment of Counsel [Docket 2-1] and **DENIES** Motion for Leave to Proceed *in forma pauperis* [Docket 2-2]. The court **DIRECTS** this action to be removed from the active docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 7, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE